

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY C. WITTMAN,

Plaintiff,

Case No. 18-cv-14063
Hon. Matthew F. Leitman

v.

DURHAM SCHOOL SERVICES/
NATIONAL EXPRESS Corp., *et al.*,

Defendants.

**ORDER (1) DIRECTING THE FILING OF AN AMENDED COMPLAINT,
(2) DENYING AS MOOT DEFENDANT DURHAM D & M, LLC'S
MOTION TO DISMISS (ECF #14), AND (3) VACATING
EARLIER SHOW CAUSE ORDER (ECF #16)**

On December 27, 2018, Plaintiff Gregory C. Wittman, proceeding pro se, filed this action against Durham School Services/National Express Corporation. On January 29, 2019, Defendant Durham D & M, LLC (which Wittman had identified in the Complaint as Durham School Services/National Express Corporation) filed a motion to dismiss for failure to state a claim and for lack of subject matter jurisdiction (ECF #14). On March 22, 2019, the Court ordered Wittman to show cause in writing why the motion to dismiss should not be granted for failure to state a claim and why this Court has subject matter jurisdiction over this action. (ECF #16.) On March 28, 2019, Wittman filed a response to the show cause order in which

he further explained the basis for his claims and the Court's subject matter jurisdiction. (ECF #17.)

The additional information and allegations described in Wittman's response to the show cause order are not included in his Complaint. It is at least possible that if he includes the allegations in an Amended Complaint, he will be able (1) to establish that this Court has subject matter jurisdiction over this action and (2) to state a viable claim against Defendant. Accordingly, the Court will vacate the prior show cause order and direct Wittman to file an Amended Complaint.

In the Amended Complaint, Wittman shall:

- (1) Set forth in clear, numbered paragraphs the factual allegations underlying his claims for relief; and
- (2) Assert each claim for relief in separate, numbered counts. Each count shall specifically identify the statute or common law rule on which the claim is based.

Wittman shall file his Amended Complaint by not later than **May 3, 2019**.

If Wittman has any questions about how to draft his Amended Complaint, he should contact the Detroit Mercy School of Law's pro se clinic that operates out of the United States Courthouse in Detroit. Wittman may call the Clinic at 313-234-2690 or email the Clinic at proseclinic@udmercy.edu.

Because the Court has directed Wittman to file an Amended Complaint, the Court **DENIES** as moot Defendant Durham D & M, LLC's motion to dismiss (ECF #14).

Finally, the Court **VACATES** the earlier show case order (ECF #16.)

.IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 10, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 10, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764